

**IMPLEMENTING ARRANGEMENT  
REGARDING  
CRIMINAL JURISDICTION PROCEDURES  
IN IMPLEMENTATION OF THE AGREEMENT BETWEEN  
THE GOVERNMENT OF THE REPUBLIC OF BULGARIA  
AND  
THE GOVERNMENT OF THE UNITED STATES OF AMERICA  
ON DEFENSE COOPERATION**

Pursuant to Article VII of the “Agreement between the Parties to the North Atlantic Treaty Regarding the Status of Their Forces”, signed in London on June 19, 1951, (hereinafter “NATO SOFA”), and Articles X through XIII of the “Agreement between the Government of the Republic of Bulgaria and the Government of the United States of America on Defense Cooperation”, signed in Sofia on April 28, 2006 (hereinafter “the Agreement”), it is agreed as follows:

1. Communication between the competent authorities designated pursuant to Articles X through XIII of the Agreement.

a. In communicating with each other, the United States military authorities and Bulgarian authorities shall use their respective languages.

b. Contact information for the United States military authorities and Bulgarian authorities specified within this arrangement is provided in Appendix 1. The information in Appendix 1 may be updated without amending this arrangement, by providing the updated information in writing to the Joint Commission.

2. Notifications of Offenses, Official Duty Certificates (Articles X and XI of the Agreement).

a. The United States Legal Liaison Officer (hereinafter USLLO) shall promptly notify the Bulgarian Ministry of Justice (MOJ) of reports of individual cases falling under paragraph 2 of Article X of the Agreement. This notification shall be required for offenses listed in Appendix 2 of this Implementing Arrangement. The United States forces have a continuing responsibility to notify the Bulgarian Ministry of Justice of new offenses discovered within the course of any investigation or prosecution. A format for notification is provided in Appendix 3 of this Implementing Arrangement. The Bulgarian Ministry of Justice shall acknowledge receipt of the notification and state the date of receipt.

b. The Republic of Bulgaria retains the right under Article X, paragraph 1 of the Agreement, to recall the waiver in specific cases of particular importance. The Ministry of Justice will forward to the General Prosecutor of the Republic of Bulgaria each notification of offense provided by the United States forces. The Ministry of Justice may recall the waiver of jurisdiction upon the proposal of the General Prosecutor of the Republic of Bulgaria. The recall of the waiver shall be done by the Ministry of Justice within 21 days of receipt of the notification of an offense by the United States forces. Any recall of the waiver pursuant to Article X paragraph 1 of the Agreement, shall be made through a written statement by the Bulgarian Ministry of Justice and shall be transmitted to the USLLO.

c. An Official Duty Certificate under Article XI of the Agreement shall be signed by the highest appropriate military authority of the United States forces after receiving the advice of a Judge Advocate, and shall be transmitted to the Bulgarian authorities dealing with the

case and to the Bulgarian Ministry of Justice. A format which may be used for the official duty certificate is provided in Appendix 4 of this Implementing Arrangement.

d. When the Bulgarian authorities exercise jurisdiction over a member of the force or civilian component, or a dependent, a copy of documents served on the accused shall be delivered by the Bulgarian authority dealing with the case to the USLLO prior to or immediately upon the service of such document on the accused. Failure to serve the document on the USLLO shall create no rights for the accused and shall not affect the exercise of jurisdiction.

3. Detention and Access (Articles XII and XIII of the Agreement).

a. In case of an arrest and detention of a member of the force or civilian component, or a dependent, the appropriate Bulgarian authority shall immediately notify the USLLO and the nearest United States Military Police unit. In the event that such notifications are not possible, the appropriate Bulgarian authority shall immediately notify the United States Embassy in the Republic of Bulgaria.

b. The Bulgarian authority with the custody of a member of the force or the civilian component or a dependent shall promptly grant a request for access to that arrested person made by the USLLO, the United States military unit, or the United States Military Police. As a part of the right of prompt access to members of the force or civilian component or dependents in the event of arrest, detention, or confinement by Bulgarian authorities set out in Article XII, paragraph 4 of the Agreement, the USLLO shall be provided prior notice and a representative of the United States authorities shall have the right to attend all interrogations and other pretrial investigations at which the accused or suspect is present, upon coordination with the appropriate Bulgarian authorities. The United States Representative has the right to observe, but should not participate in the interrogation or investigation.

c. The United States forces shall be permitted to have an observer present at all court sessions involving cases wherein the accused is a member of the force or civilian component, or a dependent.

d. In accordance with Article XIII of the Agreement, Bulgarian penal institutions must be designated by the parties for confinement of members of the force or civilian component, or dependents. As necessary, conditions of Bulgarian penal institutions proposed for designation will be reviewed on site by a representative of the United States forces and a representative of the Bulgarian Ministry of Justice.

4. The Joint Commission shall oversee implementation of this Implementing Arrangement.

5. This Implementing Arrangement may be amended in writing at any time, by mutual consent. Amendments will be authenticated in writing.

6. This Implementing Arrangement shall enter into force upon signature and remain in force unless terminated upon one year's written notice. In any event, this Implementing Arrangement shall terminate on the date the Agreement terminates, should that occur.

IN WITNESS THEREOF, the undersigned, being duly authorized, have signed this implementing arrangement.

DONE in Sofia, this 28<sup>th</sup> day of February 2008, in duplicate, in the Bulgarian and the English language, both texts being equally authentic.

**FOR THE GOVERNMENT  
OF THE REPUBLIC OF BULGARIA**

**FOR THE UNITED STATES**

## **APPENDIX 1**

### **CONTACT INFORMATION**

Republic of Bulgaria:

Ministry of Justice of the Republic of Bulgaria  
Directorate International Cooperation, and European Integration  
1, Slavianska Str.  
1040 Sofia  
Bulgaria  
Tel: (+359 2) 980 9222  
Fax: (+359 2) 980 9222  
E-mail:

United States:

United States Legal Liaison Officer  
HQ, Joint Task Force - East  
[ADD ADDRESS]  
Tel. +40 241-60-8269  
Fax:  
E-mail:

## **APPENDIX 2**

Bulgarian authorities require notice of specific cases which may be of particular importance. The United States shall notify Bulgarian authorities of acts which are socially dangerous or listed in the Bulgarian Penal Code as amended.

The United States Legal Liaison Officer shall notify the Ministry of Justice of the Republic of Bulgaria of the following offenses:

1. Those in which the death or serious bodily injury of a human being has been caused by an intentional or negligent offense, including the attempt to commit these offenses;
2. Robbery and Rape including Attempts;
3. Serious Bodily Harm; and
4. All other offenses which are listed in the Bulgarian Penal Code.

### APPENDIX 3

#### SAMPLE NOTIFICATION OF OFFENSE

The following is a sample letter notifying the Ministry of Justice of the Republic of Bulgaria of a reported offense by a member of the force or civilian component or by a dependent.

**FROM:** United States Legal Liaison Office

**TO:** Ministry of Justice Address

This notification is provided pursuant to Article X of the "Agreement between the Government of the Republic of Bulgaria and the Government of the United States of America on Defense Cooperation" signed in Sofia on April 28, 2006.

Information has been provided to us indicating that the following person(s) may have committed an offense which may fall under Article X:

1. Name/Rank/Unit:
2. Date of Reported Incident:
3. Location of Reported Incident:
4. Nature of offense(s):
5. Summary of reported incident:
6. Other information:

NAME  
Title

**IMPORTANT NOTE:** The information set out above is an unverified report. It is not intended to indicate an opinion as to whether the individual is guilty of this or any other offense.

Received by: \_\_\_\_\_ Date: \_\_\_\_\_

**APPENDIX 4**  
**SAMPLE OFFICIAL DUTY CERTIFICATE**

The following is a sample official duty certificate notifying the Bulgarian authorities dealing with the case and the Ministry of Justice of the Republic of Bulgaria that the act or omission which is the basis of the offense in the case arose in the performance of official duty and of the United States forces' intent to exercise their primary right over the offense under Article VII, paragraph 3.a.ii of the NATO SOFA.

Office

**Ministry of Justice Address**

Dear \_\_\_\_\_:

Pursuant to Article X, Paragraph 1, of the "Agreement between the Government of the Republic of Bulgaria and Government of the United States of America on Defense Cooperation" signed in Sofia on April 28, 2006, this is to certify that the act or omission which is the basis for the offense set forth below occurred in the performance of official duty by the member of the United States forces whose name follows:

1. Name/Rank of the member of the force:
2. Unit Organization:
3. Offense(s) Suspected/Alleged:
4. Place, City, Time, and Date of Incident:
5. Details concerning official duty:
6. Other information:

You are further notified that the United States forces intend to exercise their primary right of jurisdiction over the offense set forth above pursuant to Article VII, paragraph 3.a.ii of the NATO SOFA.

Sincerely,

NAME  
Title